

SENATE BILL 1895

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 70,
Chapter 4, relative to wildlife and the Internet.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 70-4-212. It is unlawful to hunt or enable or host such hunting through the Internet.

(a) For purposes of this section, unless the context otherwise requires,

(1) "Hunt" means to hunt, take, chase, trap, or kill;

(2) "Hunt through the Internet" means to hunt living wildlife in real time using Internet services to actually control firearms and discharge live ammunition;

(3) "Wildlife" means any wild animal, wild bird, wild fowl or fish.

(b) Any person that hunts in violation of this section is deemed to be buying the wildlife and is subject to the penalties of this title. Officers of the wildlife resources agency or persons especially employed or designated by the executive director or by the United States fish and wildlife service may offer to enable persons to hunt through the Internet for the sole purpose of obtaining evidence of violation of this title.

(c) It is unlawful for any person, firm, corporation, restaurant, club or hotel to enable or host, or offer to enable or host, hunting through the Internet. Each unlawful transaction, offer, or transfer of wildlife for any consideration, or possession with the intent to transact, offer, or transfer wildlife for any consideration in connection with hunting through the Internet is a separate offense.

(d) A violation of this section is a Class A misdemeanor; except that any violation

of this section involving wildlife valued at five hundred (\$500) dollars or more is a Class E felony; and

(1) The court shall prohibit a person violating subsection (b) from hunting, fishing, or trapping in this state for a period of not less than one (1) year.

(2) Any firearm, equipment, appliance or conveyance used in violation of this section is declared contraband property and shall be confiscated and forfeited to the state upon seizure.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2005 the public welfare requiring it.